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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,850	02/07/2005	Thomas John	3208	4407

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

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02/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,850	Applicant(s) JOHN ET AL.	
	Examiner PHONG H. NGUYEN	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bier et al (US 3,756,104).

Regarding claims 15 and 20, Bier teaches a method for cutting a glass sheet comprising the steps of:

a) moving a cutting tool at an angle to a travel direction of the glass sheet across the width of the glass sheet;

b) during the moving of the cutting tool across the glass sheet, applying a variable cutting force to positions on the glass sheet;

c) measuring a thickness of the glass sheet (pre-measuring before the cutting process);

d) adjusting a cutting force according to the measured thickness in step (c); and

e) mechanically breaking the glass sheet along the fissure.

See Figs. 1-5.

Regarding claim 17, a controller (2 & 6) determining an applied force is best seen in Fig.

1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almar et al. (EP 0,837,042) in view of Bier et al (US 3,756,104).

Regarding claims 15, 16 and 20, Almar teaches a method for cutting a glass sheet comprising the steps of:

- a) moving a cutting tool 15 at an angle to a travel direction of the glass sheet 2 across the width of the glass sheet;
- b) measuring an average thickness of the glass sheet (by sensor 62) during a cutting process; and
- c) mechanically breaking the glass sheet along the fissure.

See Figs. 1-4 and paragraphs [25-27].

Almar does not teach the steps of measuring an irregular surface of the glass sheet and applying a variable cutting force to create a constant fissure.

Bier teaches the steps of measuring an irregular surface of a glass sheet and applying a variable cutting force to create a constant fissure. See background of the invention.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the steps of measuring an irregular surface of the glass sheet and

applying a variable cutting force as taught by Bier to the method of cutting a glass sheet of Almar to create a constant fissure.

Regarding claims 17 and 21, a controller (2 & 6) determining applied force is best seen in Fig. 1 in Bier.

Regarding claim 18, Almar teaches that the cutting force can be specified by a controller 55 based on externally input control commands. See paragraph [25] in Almar.

Regarding claim 19, Almar teaches entering the data of position-dependent switchover points (thickness of the glass sheets) to the controller externally.

Response to Arguments

5. Applicant's arguments with respect to objections to the claims and the specification, and the rejection under 35 USC 112 have been fully considered and are persuasive. Therefore, objections to the claims and the specification, and the rejection under 35 USC 112 are withdrawn accordingly.

6. Applicant's arguments filed 11/13/2007 with respect to 35 USC 102 & 103 rejections have been fully considered but they are not persuasive.

The Applicant argues that Bier does not teach the step of cutting a moving glass sheet into a plurality of pieces. This argument is not persuasive. Step (a) in claim 15 calls for moving the cutting at an angle to the travel direction of the glass sheet and traverses a plurality of positions on the glass sheet but not cutting the glass sheet into a plurality of pieces. Bier teaches the step of moving the cutting at an angle to the travel direction of the glass sheet and traverses a plurality of positions on the glass sheet. Therefore, Bier reads on claim 15.

The Applicant argues that Bier does not teach the step of measuring the thickness of the glass sheet during a cutting process. This argument is not persuasive. Claim 15 does not claim the measuring step happens during the cutting process. Therefore, pre-measuring the thickness of the glass sheet before a cutting process reads on claim 15.

The Applicant argues that Bier does not teach the step of varying cutting force. This argument is not persuasive. Bier teaches varying pressure exerted by the cutter head to change the depth of the score (see Summary of the invention). Therefore, Bier reads on claim 15.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy V Eley/
Primary Examiner, Art Unit 3724

/P. H. N./
Examiner, Art Unit 3724

January 31, 2008